

BEFORE THE ARKANSAS CEMETERY BOARD

IN THE MATTER OF

APPLICATION OF
BAXTER CREMATORY AND
MEMORIAL GARDENS, INC.
MOUNTAIN HOME, ARKANSAS

APPLICATION TO CONSTRUCT
A MAUSOLEUM PURSUANT TO
ARK. CODE ANN. § 20-17-1011

ORDER NO. 00-066-C

ORDER

On this 30th day of November, 2000, comes to be heard before the Arkansas Cemetery Board ("Board") pursuant to Act 352 of the Act of Arkansas of 1977, as amended ("Act") and the Rules of the Arkansas Cemetery Board ("Rules") the above named application which was filed by Baxter Crematory and Memorial Gardens, Inc. ("Applicant").

From the application filed herein, the data, exhibits and evidence of the Applicant, proof of proper notice, the official records of the Board, the testimony given, and other things and matters before the Board, being well and sufficiently advised as to all matters of fact and law herein arising, hereby finds, concludes and orders as follows:

FINDINGS OF FACT

1. The Applicant owns and operates a perpetual care cemetery in or near Mountain Home, Arkansas within the meaning of the Act and is subject to the Act and Board.
2. On November 9, 2000, the Applicant filed with the Board an application to construct a mausoleum within the boundaries of Baxter Crematory and Memorial Gardens, Mountain Home, Arkansas.
3. This application contained the following documents and information:
 - A. A \$100.00 filing fee;
 - B. Copies of the plans and specifications of the proposed mausoleum building has been filed with the Arkansas Health Department for approval;

- C. A letter showing that copies of the executed construction agreement for the proposed mausoleum;
 - D. A statement that the Applicant will deposit to the Permanent Maintenance Trust Fund one hundred dollars (\$100.00) for each paid in full crypt forty dollars (\$40.00) for each paid in full cremation niche which are sold; mausoleum;
 - E. A statement that if a death should occur prior to the completion of the mausoleum, temporary entombment will be provided in space aside in an existing mausoleum building, the funds paid, applied to a burial space or a refund of the total funds paid;
 - F. A statement that the Applicant's existing sales force will not make preconstruction sales;
 - G. An irrevocable standby letter of credit issued by Pulaski Trust Company, Little Rock, Arkansas in an amount to cover cost of the construction of the proposed mausoleum;
 - H. A statement reflecting that the mausoleum will contain 48 niches;
 - I. A copy of the sales contract that is to be used;
 - J. A copy of the conveyance document that is to be used;
 - K. A plot which reflects the location of the mausoleum in the cemetery; and
 - L. A statement regarding the date the mausoleum will be completed.
4. No protest to the application was filed.

CONCLUSIONS OF LAW

- 5. Ark. Code Ann. § 20-17-1011 and Rule 12 require that when a cemetery company subject to the provisions of the Act wants to construct a mausoleum shall file an application for such an amendment to its permit with the
- 6. Ark. Code Ann. § 20-17-1011 and Rule 12 require that when a person constructs a mausoleum in a cemetery which is subject to the Act comply with specific information and documents.

OPINION

7. The Applicant has filed all of the information and documents required by the Act Rules which are required to be made a part of an application to construct said mausoleum except the approval letter of the mausoleum plans and specifications by the Arkansas Health Department.

ORDER

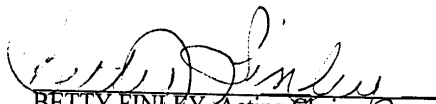
IT IS THEREFORE ORDERED that the application to construct a mausoleum filed by the Applicant be approved as filed conditioned on the Board receiving a letter from the Arkansas Health Department approving the mausoleum plans and specifications.


IT IS FURTHER ORDERED that the Applicant deposit to the Permanent Maintenance Trust Fund one hundred dollars (\$100.00) for each paid in full crypt and forty dollars (\$40.00) for each paid in full cremation niche which are sold in the mausoleum.

This order having been omitted from the records is entered nunc pro tunc.

DATED THIS 18th DAY OF DECEMBER, 2000.

ARKANSAS CEMETERY BOARD


BETTY FINLEY, Acting Chairperson


MAC DODSON, Secretary